

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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In re :
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THE FINANCIAL OVERSIGHT AND : PROMESA
MANAGEMENT BOARD FOR PUERTO RICO, : Title III
:
as representative of : Case No. 17-BK-3283 (LTS)
:
THE COMMONWEALTH OF PUERTO RICO, : (Jointly Administered)
et al.,¹ :
:
Debtors. :
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In re :
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THE FINANCIAL OVERSIGHT AND : PROMESA
MANAGEMENT BOARD FOR PUERTO RICO, : Title III
:
as representative of : Case No. 17-BK-04780 (LTS)
:
PUERTO RICO ELECTRIC POWER : **Court Filing Relates Only to PREPA**
AUTHORITY (PREPA) :
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Debtor. :
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**MOTION FOR LEAVE TO FILE LEGAL BRIEF AS AMICI CURIAE OF THE PUERTO
RICO SOLAR ENERGY INDUSTRIES ASSOCIATION CORP. (“SESA-PR”) AND THE
SOLAR ENERGY INDUSTRIES ASSOCIATION (“SEIA”)**

TO THE HONORABLE COURT:

¹ The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

COME NOW, the Puerto Rico Solar Energy Industries Association Corp. (“SESA-PR”) and the Solar Energy Industries Association (“SEIA”), through the undersigned legal counsel, and respectfully submit this motion for leave to file a legal brief as *amici curiae* in relation to the “Joint Motion of the Puerto Rico Electronic Power Authority and AAFAF pursuant to Bankruptcy Code Sections 362, 502, 922 and 928, and Bankruptcy Rules 3012(A)(1) and 9019 for Order Approving Settlement Embodied in the Restructuring Support Agreement and Tolling Certain Limitations Periods” (“Rule 9019 Motion”). A copy of the proposed brief is attached as Exhibit A to the present motion (“Proposed Brief”).

1. On May 10, 2019, the Rule 9019 Motion was filed. As per the “Corrected Fifth Revised Order Extending and Establishing Certain Deadlines Applicable to the Joint Motion of PREPA and AAFAF [Docket Entry No. 1672]”, the Court granted until October 25, 2019 for any party to object.

2. Rule 29 of the Federal Rules of Appellate Procedure allows for a party to file a brief only by leave of the court, Fed. R. App. P. 29. Although there are rules governing the participation of *amicus curiae* on appeal, there is no provision in the Federal Rules of Civil Procedure “as to the conditions under which a trial court should permit *amicus* appearances and the restrictions, if any, that should attend its appearance.” *Alliance of Auto. Mfrs. v. Gwadowsky*, 297 F.Supp.2d 305, 306 (D.Me.2003). Nevertheless, “the district court retains ‘the inherent authority’ to appoint *amicus curiae* ‘to assist it in a proceeding.’” *Id.*

3. In compliance with the applicable rule, SESA-PR and SEIA respectfully request that the Court grant them leave to file an *amici curiae* and legal brief in support thereof. SESA-PR and SEIA represent a special and particular interest of the solar industry, and, as such, its participation is warranted.

4. The RSA, if enacted, would raise costs for people considering investing in solar generating systems. Higher costs would have a direct correlation with substantially less people investing in solar generating systems, an action contrary to the Government's public policy. In addition, the implementation of the RSA would harm the interests of the SEA-PR and SEIA and their respective member companies by jeopardizing or eliminating the economic benefits that accompany the sales and installation of solar and storage systems on the island.

WHEREFORE, SESA-PR and SEIA very respectfully request that the Court allow the parties to submit an *amici curiae* and legal brief in support thereof.

RESPECTFULLY SUBMITTED.

This 25th day of October, 2019, in San Juan, Puerto Rico.

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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	:	PROMESA
THE FINANCIAL OVERSIGHT AND	:	Title III
MANAGEMENT BOARD FOR PUERTO RICO,	:	
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as representative of	:	Case No. 17-BK-3283 (LTS)
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THE COMMONWEALTH OF PUERTO RICO,	:	(Jointly Administered)
<i>et al.</i> , ²	:	
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Debtors.	:	

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	:
as representative of	:
	:
PUERTO RICO ELECTRIC POWER	:
AUTHORITY (PREPA)	:
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Debtor.	:
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[PROPOSED ORDER] ORDER GRANTING MOTION FOR LEAVE TO FILE LEGAL BRIEF AS *AMICI CURIAE* OF THE PUERTO RICO SOLAR ENERGY INDUSTRIES ASSOCIATION CORP. (“SESA-PR”) AND THE SOLAR ENERGY INDUSTRIES ASSOCIATION (“SEIA”)

2 The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy
 3 case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i)
 4 Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481);
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 8 Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four
 9 Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17
 10 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

Upon the *Motion for Leave to File Legal Brief as Amici Curiae* of the Puerto Rico Solar Energy Industries Association Corp. (“SESA-PR”) and the Solar Energy Industries Association (“SEIA”), (Docket Entry No. ____ in Case No. 17-04780, the “Motion”), and the Court having found that SESA-PR and SEIA have demonstrated a special and particularized interest in the matters discussed in the Motion (and in the Proposed Brief) relating to *Joint Motion of the Puerto Rico Electronic Power Authority and AAFAF pursuant to Bankruptcy Code Sections 362, 502, 922 and 928, and Bankruptcy Rules 3012(A)(1) and 9019 for Order Approving Settlement Embodied in the Restructuring Support Agreement and Tolling Certain Limitations Periods* (“Rule 9019 Motion”), and that no other or further notice is required, it is HEREBY ORDERED THAT:

1. Leave to file the Proposed Brief, as amici curiae, is hereby granted to the Puerto Rico Solar Energy Industries Association Corp. (“SESA-PR”) and the Solar Energy Industries Association (“SEIA”), and
2. This Order resolves Docket Entry No. ____ .

SO ORDERED.

Date: _____

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN

UNITED STATES DISTRICT JUDGE